UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

**EDWIN A ROSADO.** 

Petitioner,

٧.

9:07-CV-1134

DALE ARTUS,

Respondent.

THOMAS J. McAVOY, Senior United States District Judge

## **DECISION & ORDER**

This *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. George H. Lowe, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.4.

No objections to the Report and Recommendation and Order dated March 10, 2011 have been filed. After examining the record, this Court has determined that the Report and Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, this Court adopts the Report and Recommendation for the reasons stated therein. This Court further agrees that a Certificate of Appealability is not warranted.

It is therefore **ORDERED** that the petition for a writ of habeas corpus is **DENIED** and **DISMISSED**. Because there is no substantial showing of the denial of a constitutional right, a certificate of appealability is also **DENIED**.

IT IS SO ORDERED.

Dated: March 31, 2011

Thomas J. McAvoy

Senior, U.S. District Judge